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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,305	08/31/2001	Aalbert Stek	NL000496	2152

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
VUONG, BACH Q	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,305	STEK ET AL.	
	Examiner	Art Unit	
	Bach Q. Vuong	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)

This communication is responsive to an amendment filed on 11/22/2004

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanoue et al. (US 6,781,939).

Tanoue et al., according to Figs. 1-17, shows an information carrier comprising all features of the claimed invention as interpreted below:

Regarding claim 1, see Figs. 1-4 which show an information carrier comprising an information area for recording data encoded in marks, the information area comprising tracks provided with a servo-pattern comprising headers alternating with track portions, the headers comprising a synchronization field (see VFO1, VFO2) having marks representing a predetermined synchronization pattern for synchronizing a clock frequency in a device in which the information carrier is used, a first identification field (see PID Number of PID number of Sector Information in Header 1 field) comprising marks representing position information, and subsequently second identification field (see PID Number of PID number of Sector Information in Header 2 field) comprising marks representing position information, characterized in that the headers in at least a group of headers (see header field HF and headers HF1-HF4 in Fig. 4) also comprise an information field (see Layer Number) located in between the first identification

field and the second identification field, said information field comprising marks representing information describing properties of the information carrier.

Regarding claim 3, see Fig. 4 which shows an information carrier wherein the headers (see HF in Fig. 4) in a second group of headers also comprise a second synchronization field (see VFO2) located between the first identification field and the second identification field, the second synchronization field comprising marks (see VFO2 for details) representing a predetermined synchronization pattern for synchronizing a clock frequency in a device the information carrier is used in.

Regarding claim 4, see Figs. 1-4 which show an information carrier comprising a lead-in zone (see lead-in area) comprising marks representing control information, a data zone (see data area) intended for recording user data, and a lead-out zone (see lead-out area) comprising marks representing control information wherein the headers (see header field HF consists of headers HF1-HF4 in Fig. 4) in data zone comprise a second synchronization field (see VFO2) located between the first identification field and the second identification field, the second synchronization field comprising marks representing a predetermined synchronization pattern for synchronizing a clock frequency in a device the information carrier is used in.

Regarding claims 5 and 6, see Fig. 4 which shows an information carrier wherein the information is distributed over a sub-group of headers and over a predetermined numbers of consecutive headers (see header field HF and headers HF1-HF4).

Regarding claim 7, see Fig. 4 which shows an information carrier wherein the information is coded using error correction code (see ECC) prior to distributing the information over the sub-group of headers.

Regarding claim 8, see Fig. 1-3 which show an information carrier wherein the recording area comprises recorded data (see data area).

Regarding claim 9, see Fig. 4 which shows an information carrier is of a read-only type.

Regarding claim 10, see Figs. 1-8 and 16-17 which show a reading device for reading data from an information carrier (see optical disk 1) comprising an information area for recording data encoded in marks, the information area (see Fig. 4) comprising tracks provided with a servo-pattern comprising headers alternating with track portions, the headers (see headers HF1-HF4) comprising an synchronization field (see VFO1 or VFO2) having marks representing a predetermined synchronization pattern for synchronizing a clock frequency in a device in which the information carrier is used, a first identification field (see PID number of Sector Information in Header 1 field) comprising marks representing marks representing position information, and subsequently, a second identification field (see PID number of PID number of Sector Information in Header 2 field) comprising marks representing marks representing position information, the reading device (see Figs. 16-17) comprises reading means (see data reproduction circuit 16) for retrieving data from the information carrier, wherein the reading means retrieves information describing properties of the information carrier from an information field (see Layer number in Fig. 4) located between the first identification field and the second identification field in the headers, an in that the reading means are set in dependence on the retrieved information describing properties of the information carrier.

Regarding claim 11, see Figs. 1-8 and 16-17 which show a recording device for recording data on an information carrier (see optical disk 1) comprising an information area for recording data encoded in marks, the information area (see Fig. 4) having tracks provided with

a servo-pattern comprising headers alternating with track portions, the headers (see headers HF1-HF4) comprise a synchronization field (see VFO1 or VFO2) comprising marks representing a predetermined synchronization pattern for synchronizing a clock frequency in a device in which the information carrier is used, a first identification field (see PID number of Sector Information in Header 1 field) comprising marks representing marks representing position information, and subsequently a second identification field (see PID number of Sector Information in Header 2 field) comprising marks representing position information, the recording device comprises reading means (see Fig. 16) for retrieving data from the information carrier, and the recording means (see modulation circuit 14) for recording data on the information carrier, herein the reading means retrieves information describing properties of the information carrier from an information field (see Layer Number in Fig. 4) located in between the first identification field and the second identification field in the headers, and in that the recording means are set in dependence on the retrieved information describing properties of the information carrier.

Response To Arguments

In response to Applicant's arguments filed 11/22/2004 related to the rejection under 35 USC –102(e) as being anticipated by Tanoue et al. (US 6,781,939), Applicant's attention is drawn to Figs. 4, 16 and 17 which clearly discloses that the headers in at least a group of headers (see header field HF and headers HF1-HF4 in Fig. 4) wherein an information field (see Layer Number) which comprises marks representing information describing properties of the information carrier and is located between the first identification field (see PID number of

Sector Information in Header 1 field, HF1) and the second identification field (see PID number of Sector Information in Header 2 field, HF2) as particularly recited in claims 1, 11 and 12. Accordingly, Tanoue et al. do disclose all features of the claimed invention. Thus, the rejection applied to the claimed invention is maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (571) 272-7596. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-5789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
April 28, 2005

THANG V. TRAN
PRIMARY EXAMINER